

courts, including the United States Supreme Court, is under some circumstances to adopt a default means of interpretation. When, for example, the issue arises in the context of a critical or critically important question of constitutional meaning, courts impose a "clear-statement" rule under which Congress, or some other entity, will not be understood to have meant to say something having great bearing on its powers or on the Constitution without saying it clearly, perhaps expressly. For example, when the issue is whether by the terms of a statute Congress has waived the sovereign immunity of the United States, the Court will not apply ordinary rules of statutory construction but will require the clearest possible expression of congressional intent; any waiver must be unequivocal. E.g., *United States Dept. of Energy v. Ohio*, 503 U.S. 607 (1992); *Library of Congress v. Shaw*, 461 U.S. 273 (1983). Of course, the particular issue with which we deal is highly unlikely to present itself as suitable for judicial resolution, but subsequent Congresses and private parties may resort to such rules of construal.

Congress has been highly protective of its powers in this area, especially of the use of United States military forces abroad, since the great debate in this country with respect to the undeclared war in Indochina, which eventuated in the adoption, over a presidential veto, of the War Powers Resolution. P. L. 93-148, 87 Stat. 555, 50 U.S.C. §§ 1541-1548. In view of the hesitancy of Congress to act in respect of the Gulf War and of the close votes in both Houses, how likely is it that Congress would have authorized the President to use United States military forces to effectuate a United Nations Resolution or a series of Resolutions that were to be adopted sometime in the future? It is, of course, possible for Congress to authorize something on the basis of an occurrence not yet having resulted. But with respect to the commitment of United States forces abroad? Again, Congress might do so, but ought we to conclude that it did so in 1991 on the basis of contestable language susceptible to more than one interpretation? Might a clear statement of Congress' intent to do so be required before such a construction is adopted?

In short, to conclude that P. L. 102-1 contains authorization for the President to act militarily in 1998 requires the construction of an interpretational edifice buttressed by several assumptions. We must conclude that Congress in 1991 intended to base its authorization of United States military action upon the future promulgation of United Nations policy developed in the context of circumstances unknown or at most highly speculative in 1991. We must conclude that Resolution 687 did authorize member states to act to implement its goals and not merely reserved to the Security Council a future determination of what it might authorize. We must conclude that Resolution 1137 did authorize member states to act to end Iraqi recalcitrance and not merely expressed the aspiration of the Security Council to do something in the future. And we must conclude that Congress in 1991 was so confident of United Nations policy in the future that it would have authorized the future committal of United States military forces to achieve what the Security Council wished to achieve.

We have examined legislation enacted later by Congress in the same year that bears on Operation Desert Storm, in particular P. L. 102-190, 105 Stat. 1290, and P. L. 102-25, 105 Stat. 75, and find nothing bearing on what Congress might have thought it was doing in P. L. 102-1. Certainly, there is nothing in those Acts to be construed as additional authorizations.

In the end, it is for the Congress to determine what the 102d Congress meant in adopt-

ing the joint resolution that became P. L. 102-1. How, if Congress' interpretation is different from that of the President, Congress is to give effect to its determination presents another question altogether.

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TRIBUTE TO GOLD MEDAL WINNING U.S. WOMEN'S OLYMPIC HOCKEY TEAM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Minnesota (Mr. RAMSTAD) is recognized during morning hour debates for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, America's two newest sports heroes are the pride of every American. I rise today to pay tribute to a group of talented, hard-working women who have written a new chapter in America's glorious Olympic history, the U.S. women's Olympic hockey team.

Minnesota is the birthplace of hockey in America, Mr. Speaker, and the first ever gold medal in women's Olympic hockey was won by a spirited, never-give-up American team that included two Minnesotans. Jenny Schmidgall of Edina, Minnesota, and Alana Blahoski of St. Paul, Minnesota, along with 21 other members of the U.S. women's team, brought home the gold from the 18th Olympic winter games in Nagano, Japan. The American women's team won all six of its games.

Mr. Speaker, what a marvelous Olympic tournament it was, and what a remarkable team won the gold medal. As a proud Minnesotan and a patriotic American, my heart burst when Jenny Schmidgall was awarded her gold medal and spontaneously blurted out our national anthem. Our hearts as Americans burst in pride when our women's hockey team, every single member, raised their hands to the sky in saying our national anthem with all the strength left in their souls.

Mr. Speaker, after losing to Canada four times in the world championship since 1990, the U.S. women's Olympic hockey team defeated Canada 3 to 1 last week to claim the gold medal. It was the second time the Americans had defeated their fiercest rival in four days. It was also the first U.S. hockey gold medal since the 1980 miracle on ice at Lake Placid.

Mr. Speaker, great joy swept over Minnesota as the U.S. women held hands, waved American flags, and accepted their well-earned gold medals. As her parents, Wayne and Terri Schmidgall of Edina, would be quick to tell you, Jenny Schmidgall had prepared long and hard for her moment in the land of the rising sun. Jenny graduated from Edina High School, in the heart of our Third Congressional District, this past spring, and will be skating for the University of Minnesota next year.

In fact, that is the reason Jenny's picture did not make the Wheaties box,

because she is still an amateur, and NCAA rules are about as arcane as some of the rules around here, and she was not allowed to be pictured.

But anyway, when Jenny skated at Edina's Lewis Park, she was known as little Gretzky. She grew up learning the game at Lewis Park at Edina while following her hockey playing dad onto the ice.

There was magic in the air at the Big Hat arena in Nagano the day of the gold medal game. Jenny's parents got to the game and learned that their seats were not with the rest of the parents down below in the lower bowl but, rather, in the upper deck away from the rest of the parents of the women's team.

But all that changes when Wayne Gretzky, the great one himself, tapped Dwayne Schmidgall on the shoulder, and seeing Schmidgall's Team U.S.A. jackets and asked if she had somebody playing in the game. Gretzky told them, by the way, he hoped their team would win and left when the score was one to nothing in favor of the Americans.

In this first Olympic women's tournament, Jenny Schmidgall scored two goals and had three assists. She also helped set up the first U.S. goal in the gold medal game. As her mother Terri said, holding back tears, and I am quoting now, "When you know all the hard work that went into this and see them this way, it's really something."

Mr. Speaker, it is really something. All the women on Team U.S.A. have stories to tell, stories like Jenny Schmidgall's. They all followed others onto the ice at an early age and often met with resistance when they tried to join in the boys' games. But showing great American ethic that makes our nation shine, these women would not take no for an answer. They practiced. They persevered. Last week, they realized their dream. They brought home the gold.

Mr. Speaker, one sign held up above the U.S. team's bench in Nagano said it all: "U.S. Women, the Real Dream Team." Now the women of the 1998 U.S. Olympic ice hockey team are stirring new dreams in the hearts and minds of girls throughout America. They stirred our passion over the past fortnight halfway around the world, and they will live in our hearts forever.

Congratulations to Jenny, to Alana, and to the other 21 members of the U.S. women's ice hockey team as well as your wonderful coaches, managers, trainers, and other officials. You have made America proud.

PUERTO RICO'S CENTENNIAL ANNIVERSARY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) is recognized during morning hour debates for 5 minutes.

Mr. ROMERO-BARCELÓ. Mr. Speaker, 1998 is a centennial year. We think